THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 14017 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed aggrieved by the order dated 29.12.2006 passed by the A.P. Administrative Tribunal in O.A. No. 1777 of 2003.

The petitioner herein filed O.A. No. 1777 of 2003 before the Tribunal seeking to quash the Memo No. 19094/Police.D/A1/98-2 dated 23.10.1998 and C.O. ENDT.L.Dis.No.785/T1/98 dated 2.11.1998 on the file of 1st and 2nd respondents respectively as bad in law and consequently to direct the respondents to release all the benefits accruing to the petitioner – applicant. The Tribunal dismissed the said O.A. Aggrieved, the petitioner – applicant filed this writ petition.

Heard the learned counsel for the parties and perused the material available on record.

The case of the petitioner is that the punishment has been imposed on him by the disciplinary authority without keeping in view the gravity of the charges proved against him though it is not a case of misconduct or moral turpitude or grave dereliction of duty. He filed a mercy petition which was rejected vide proceedings dated 23.10.1998 and the said proceedings and the consequential endorsement of the 1st respondent dated 2.11.1998 were challenged before the Tribunal. The Tribunal adverted to each and every contention advanced by the learned counsel for the petitioner –

applicant and given cogent and convincing reasons in support of its findings. More over as the punishment is the discretion of the disciplinary authority and the Courts are not expected to interfere with the quantum of punishment unless it is shocking and pricks the conscience of the Presiding Officer and the material available on record does not show that the punishment imposed against the petitioner is so shocking or pricks the conscience of the Presiding Officer, the Tribunal rightly dismissed the O.A. filed by the petitioner. The appellate authority has already modified the punishment of removal from service to that of postponement of increment for two years with cumulative effect. Having regard to the facts and circumstances, we are satisfied with the reasons given by the Tribunal in dismissing the O.A. and therefore we do not find any illegality or irregularity in the order passed by the Tribunal warranting interference of this Court.

We find no merit in this writ petition. It is accordingly dismissed.

T. MEENA KUMARI,

J.

NOOTY RAMAMOHANA RAO, J.

Date: 05-07-2007.

MVB.